

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:10-CR-161-1
	)	(VARLAN/SHIRLEY)
TAMRAL GUZMAN,	)	
	)	
Defendant.	)	

**ORDER**

This criminal action is before the Court on the Report and Recommendation entered on September 19, 2011 by United States Magistrate Judge C. Clifford Shirley, Jr. (the “R&R”) [Doc. 89]. Neither party filed any objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59.

Counsel for the defendant, appointed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, filed a motion to declare this case complex and extended [Doc. 67]. Because of the nature of the charges asserted in the superseding indictment—fifteen counts alleging conspiring and agreeing with others to distribute and possess with the intent to distribute various prescription drugs, money laundering, and evading reporting requirements—and because of the voluminous discovery in this case—approximately 14,000 documents and over 900GB of electronic forensic files—Magistrate Judge Shirley finds that this case meets the definition of both being complex and extended and that excess payment may be necessary

to provide fair compensation to counsel. Magistrate Judge Shirley also finds that it is necessary and appropriate to approve interim payments to counsel for fees and out-of-pocket expenses. Thus, he recommends that the undersigned sign the memorandum and order concerning excess and interim payments attached to the R&R and forward it to the chief judge of the circuit or her designee.

The Court agrees with the R&R [Doc. 67] and hereby **ADOPTS** the same. This order adopting the R&R, along with a copy of the R&R and the attached memorandum and order concerning excess and interim payments approved by the undersigned, shall be forwarded to the chief judge of the United States Court of Appeals for the Sixth Circuit or her designee.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE